

**CHIROPRACTIC EXAMINING BOARD
MADISON, WI
MINUTES
MAY 15, 2003**

PRESENT: Steven Conway, Brouck Sleight, D.C., James Rosemeyer, D.C.,
James Weber, D.C.

EXCUSED: Char Glocke and Susan Feith

STAFF PRESENT: Kimberly Nania, Bureau Director; John Schweitzer, Legal Counsel;
Gina York, Minute Taker; Gail Pizarro, Exam Specialist; Lydia Bridge,
Program Assistant; and DOE Staff

GUESTS: Bill Boissonnenlt, WPTA; Ron Hermes, WPTA and Russ Leonard, WCA

CALL TO ORDER

James Rosemeyer, Chair, called the meeting to order at 8:04 a.m.

AGENDA

Addendums to the Agenda:

- Add After Discussion of Rules by Dr. Conway and Legal Counsel: CE Liaison

MOTION: Brouck Sleight moved, seconded by Steven Conway, to approve the
agenda as revised. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 17, 2003

Amendments to the Minutes:

- Page 3: Under Discussion of Electro Diagnostic Evaluation, second paragraph: Delete the
last two sentences.
- Page 6: Under Informational Items, second paragraph: Move to page 5 before last
paragraph in section Discussion of Electro Diagnostic Evaluation.

MOTION: James Weber moved, seconded by Steven Conway, to approve the minutes
of April 17, 2003 as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Kimberly Nania, Director of Bureau of Health Professions shared the latest information with the Board regarding changes and improvements in the Department. There was a fee study done by Grant Thornton and proposed increases to fees will be going before the legislature soon.

The application forms for licensure are online and can be downloaded by individuals. Once completed, they can be mailed to the Department for processing. Sometime in the near future, the Department hopes to have applications that can be filled out online and submitted electronically.

Also all code books are now online in their entirety.

PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER MAILING OF AGENDA

Jack Zweig presented to the Board a stipulation regarding Gregory Bierl, DC signed after mailing of the agenda.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Noted.

SCOPE STATEMENT REGARDING RULE CHANGES ON COMPREHENSIVE RULE REVISION

John Schweitzer, Legal Counsel informed the Board the Scope Statement for Rules Review was published.

DISCUSSION AND UPDATE ON CURRENT STATUS OF PART IV ISSUE

John Schweitzer, Legal Counsel sent a letter on 5/14/03 in response to WCA regarding the Board's decision to replace the Wisconsin Licensing Exam with the National Part IV Exam. WCA had adequate opportunity to present information on concerns about the proposal to use Part IV prior to the Board's final decision.

CHIROPRACTIC DEFINITIONS – REPORT FROM JAMES ROSEMEYER AND STEVEN CONWAY

The Board postponed this topic to their June meeting.

WCA PROPOSED LEGISLATION

The Board discussed this topic at length and requested that a teleconference be scheduled for May 22nd or 23rd to allow the other members of the Board to have input regarding this proposed legislation. Kimberly Nania and Gina York will schedule and post the teleconference once the date and required arrangements have been made.

MOTION: Steven Conway moved, seconded by James Weber, that title protection, chiropractic, and adjustment are used only by individuals licensed by this Board. John Schweitzer will contact WCA to include in the proposed WCA language. Motion carried unanimously.

REVIEW REQUESTS FOR PRECEPTOR APPROVALS

MOTION: Steven Conway moved, seconded by James Weber, to accept Scott C. Kurtti, Lynn A. Biese, and Timothy C. Kirchberg as preceptors. Motion carried unanimously.

PRECEPTOR APPROVAL FOR REQUESTS RECEIVED AFTER THE PRINTING OF THE AGENDA

None.

CORRESPONDENCE REGARDING PACE

This topic was postponed to the next meeting of the Board and will discuss whether to take an initial position on PACE.

CORRESPONDENCE ANN M. BELL, DC REGARDING PAP-IMI

The Board reviewed the correspondence from Ann M. Bell, DC regarding the PAP-IMI.

MOTION: Brouck Sleight moved, seconded by James Weber, to request John Schweitzer, Legal Counsel to send a letter indicating in the Board's opinion this does not fall within the scope of chiropractic practice because it involves magnetism and to disengage from study. Steven Conway – Opposed. Motion carried.

CORRESPONDENCE REQUEST TO TAKE SPEC EXAM

INSTEAD OF PART IV

The Board reviewed the correspondence from Michael R. Pepper, DC regarding his request to take the Spec Exam instead of Part IV.

MOTION: Steven Conway moved, seconded by James Weber, to request John Schweitzer to respond indicating the Board's decision that they will not make an exception to the exam process.

FYI: CORRESPONDENCE MICHAEL MCLEAN, DC FICA

There was not action needed by the Board.

NAET RESPONSE

John Schweitzer, Legal Counsel discussed with the Board correspondence received regarding NAET in response to the action taken at the last Board meeting. After considering correspondence received from Dr. Nambudripad and others, the board reaffirmed its position on NAET with more specificity, as follows:

MOTION: James Weber moved, seconded by Steven Conway, that "any practice system, analysis, method or protocol which relies upon diagnostic methods that are not generally recognized or accepted within the profession nor which do not have scientific validity" is prohibited by section Chir 4.05(2)(g), Wis. Admin. Code. Chiropractors are not authorized to practice psychology under section 455.02, Stats. The Board finds that NAET or any other technique (1) that relies on the use as a diagnostic device of vials of water infused with "frequencies", or (2) that claims to provide psychological treatment, is not within the scope of chiropractic. Motion carried unanimously.

Once this interpretation is published in the Regulatory Digest, the Board will expect practitioners to comply.

DISCUSSION OF ELECTRO DIAGNOSTIC EVALUATION PROCEDURE – DR. SLEIGHT

Further information regarding the use of this technique will be gathered for the next meeting. John Schweitzer will contact ACA and WCA and come up with some recommendations regarding Electro Diagnostic Evaluation Procedure and training requirements.

PALMER COLLEGE SURFACE EMG TRAINING SEMINAR - DR. ROSEMEYER

The Board had some concerns and questions regarding the Surface EMG Training Seminar being offered by the Palmer College. Dr. Rosemeyer contacted Palmer College and reported back to the Board. There was no action required by the Board.

DISCUSSION OF NERVE CONDUCTION VELOCITY TESTING

No action was needed by the Board.

DISCUSSION REGARDING DOES JURISDICTION UNDER CHIRO 3.03(3)(d) INCLUDE FOREIGN COUNTRY

The Board discussed and verified that this will meet exam and education requirements. No additional action was needed by the Board.

REVIEW OF RULES BY DR. CONWAY AND LEGAL COUNSEL (ONGOING)

The Board received a copy of the Proposed Changes to the Chiropractic Laws. John Schweitzer, Legal Counsel will discuss more in-depth how this effect current rules for the Board. Steven Conway will continue to work with Mr. Schweitzer on these new changes.

DISCUSSION REGARDING CE LIAISON

MOTION: Steven Conway moved, seconded by Brouck Sleight, to designate James Weber as the CE liaison for the Board. Motion carried unanimously.

CORRESPONDENCE AND PHONE INQUIRIES BY LEGAL COUNSEL

John Schweitzer, Legal Counsel discussed with the Board questions he has received regarding arrangements with managed care companies which fall under Chir 3.08 Limited liability entities. John will respond that in these situations there is an obligation to provide service or procedure but may not be paid for it.

John Schweitzer, Legal Counsel reviewed correspondence with the Board and will respond as discussed on behalf of the Board.

CLOSED SESSION

MOTION: Steven Conway moved, seconded by Brouck Sleight, to adjourn to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) to deliberate on request for termination of suspension, request for approval of evaluator and mentor, orders fixing costs, Division of Enforcement case status reports and to consult with legal counsel. Motion carried by roll call vote: Steven Conway -yes; Brouck Sleight, D.C. -yes; James Rosemeyer, D.C. -yes; James Weber, D.C.-yes

Open Session recessed at 11:27 a.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: James Weber moved, seconded by Steven Conway, to reconvene into Open Session at 12:38 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

CONTINUATION REVIEW OF CE AUDIT DOCUMENTS NON-COMPLIANT

Gail Pizarro and Lydia Bridge presented CE audit materials to the Board and the appropriate actions will be taken for non-compliance.

MONITORING REQUEST FOR LICENSURE

LEIF HELLING

MOTION: Brouck Sleight moved, seconded by James Weber, to grant Leif Helling, D.C. an unlimited license. Steven Conway – Abstained. Motion carried.

WITHDRAWAL OF REQUEST FOR HEARING

JOSEPH CLAYTON PROBST, D.C.

MOTION: James Weber moved, seconded by Brouck Sleight, to approve the withdrawal of request for a hearing regarding Joseph Clayton Probst, D.C. Motion carried unanimously.

STIPULATION

GREGORY BIERL, D.C.

MOTION: Steven Conway moved, seconded by James Weber, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Gregory Bierl, D.C. Motion carried unanimously.

DIVISION OF ENFORCEMENT – CASE STATUS

MOTION: James Weber moved, seconded by Brouck Sleight, to close case **02 CHI 059** for no violation. Motion carried unanimously.

CONSULT WITH LEGAL COUNSEL

The Board consulted with Legal Counsel as required.

INFORMATIONAL ITEMS

Noted.

OTHER BOARD BUSINESS

REGULATORY DIGEST

The Board discussed future articles for the next Regulatory Digest and exceptions for CE and website. The following is a list of articles and assignments:

CE Article – Dr. Sleight
Termination of Preceptorship Article – John Schweitzer
List of Courses and Techniques – Dr. Conway

ADJOURNMENT

MOTION: Steven Conway moved, seconded by James Weber, to adjourn the meeting at 12:54 p.m. Motion carried unanimously.

Next Meeting:
Thursday, June 19, 2003
Start 8:00am
Room 179A